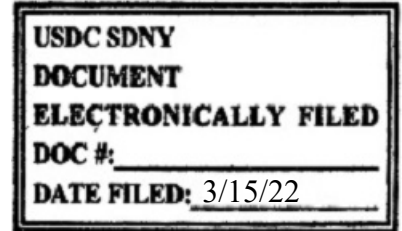




C H A M P I O N

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March 15, 2022

MEMO ENDORSED

JOINT LETTER-MOTION TO CANCEL SETTLEMENT CONFERENCE

Via Electronic Court Filing System

Hon. Barbara Moses
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *Poly-America, L.P. v. API Industries Inc.*, Cause No: 21-CV-8195 (AJN) (BCM), pending in United States District Court, Southern District of New York

Dear Judge Moses:

I represent Poly-America, L.P. ("Poly-America") in the above-referenced matter. I am writing on behalf of both Poly-America and API Industries, Inc. ("API"). Counsel for API, Efrem Schwalb, is copied on this letter and joins in this Motion.

I. The Parties Jointly Request Cancellation of the Settlement Conference.

Counsel for both Poly-America and API have convened multiple times throughout the underlying TTAB matter, at the outset of this appeal, and in connection with the Court's order regarding settlement conference to discuss the possibility and terms of settlement. During such conferences and through independent research as to the possibility of settlement, it has become apparent that such a settlement in this matter is both unlikely and impracticable.

To date, the parties have been unable to reach any agreement as to what form a settlement may take in this case, let alone begin to negotiate specific terms of settlement. Additionally, as a function of this case stemming from a TTAB proceeding, a settlement outside of the courtroom that would have the desired effect may ultimately be challenged by the TTAB.

Hon. Barbara Moses

March 15, 2022

Page 2 of 2

II. Conclusion and Prayer

For the foregoing reasons, Poly-America and API jointly and respectfully request the Court grant this letter-motion and cancel the March 16, 2022, Settlement Conference.

Sincerely,

/s/ Austin Champion

Austin Champion

Counsel for Poly-America, L.P.

/s/ Efrem Schwalb

Efrem Schwalb

Counsel for API Industries, Inc.

Application GRANTED. SO ORDERED.



Barbara Moses

United States Magistrate Judge

March 15, 2022